ANDOVER PLANNING BOARD MINUTES April 14, 2009

Call to Order:

The meeting was called to order at 7:36 pm. Present were Chairman, Paul Salafia, and members, Vincent Chiozzi, Selena Goldberg, John McDonnell, and associate member Joan Duff; also present were Director of Planning Paul Materazzo, Senior Planner Lisa Schwarz, and Planner, Jacki Byerley.

Town Meeting 2009 Warrant Articles:

Article P-42, 43, 44, & 45 – Zoning Amendments Section 5.2, 10. 0. A Frame Sign, & Customary Home Occupation and 9.6.3 Additional Design:

The Board opened the public hearings on the Design Review Board sponsored warrant articles to amend section 5.2. Signs; Section 10.0 Definition of "A Frame Signs" & Customary Home Occupation. Ann Constantine, Chair of the Design Review Board, gave an overview of a meeting with the Andover Business Center Association (ABCA) to review and discuss the revised by-law. Ms. Constantine submitted e-mails of support for the proposed bylaw and noted there have not been any negative comments to the proposed changes. Ms. Schwarz reviewed her memo to the Board dated April 9, 2009 and noted there have not been any significant changes since the Board last meeting. Sharon Breighner, President of the ABCA, noted that the bylaw was presented to the committee who represent Andover's downtown, and further noted that other businesses in town support the proposed by-law. Deborah Day Cummings a resident of High Street expressed support for the bylaw revisions. On a motion by Mr. Chiozzi, seconded by Ms. Goldberg, the Board voted to close the public hearings for warrant articles P-42, 43, 44 and 45. **Vote** Unanimous (5-0)

On a motion by Mr. Chiozzi, seconded by Ms. Goldberg, the Board vote to recommend approval of Warrant Articles P-42, 43, 44 and 45. **Vote** Unanimous (5-0)

Article P-46 - Zoning Amendment Section 8.1. Watershed Protection Overlay District:

The Board opened the public hearing on the proposed warrant article to amend section 8.1. Watershed Protection Overlay District submitted by the Board of Health. Thomas Carbone, Director of Public Health, noted that the Board of Health submitted the warrant article on behalf of the Fish Brook Watershed Advisory Committee. Mr. Zipeto, a member of the Fish Brook Watershed Advisory Committee, reviewed the changes to the proposed by-law outlined in an email to the Board dated April 6, 2009. He noted that their goal is to protect the water supply, and stated that the Conservation Commission has endorsed the proposed changes. Mike Ristuccia, a property owner in that area, asked if this by-law would prohibit him from building on his property. Mr. Carbone noted that because he had already begun the permitting process for the property in question, the by-law would not apply to his property. On a motion by Mr. Chiozzi, seconded by Ms. Goldberg, the Board voted to close the public hearing for the proposed warrant article P-46 to amend section 8.1. Watershed Protection Overlay District. Vote Unanimous (5-0) On a motion by Mr. Chiozzi the Board voted to recommend approval of the proposed warrant article P-46 with the amendment to section 8.1. Watershed Protection Overlay District. Vote Unanimous (5-0)

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180 Abbot Street:

The Board opened the public hearings that were continued from the March 10th meeting on an application by Mike Ristuccia for a Definitive Subdivision Plan and Special Permit for Earth Movement located at 180 Abbot Street. Ken Bouffard of Civil Environmental Consultants LLC representing the applicant gave an overview of the revised plans including the drainage, catch basin, and runoff. Ms. Byerley noted that the revised plans are being reviewed by ESS group and DPW. Mr. Bouffard reviewed the revised earth movement calculations. Ms. Byerley reviewed her memo to the Board dated April 6, 2009, including clarification on the retaining wall and earth movement calculations. Ms. Byerley noted that additional information is needed on the back lot which is included in the subdivision. Other items that still need to be submitted to the Planning Department is a waiver request from the sidewalk requirements and an operation and maintenance plan. Ms. Byerley noted she is still waiting for comments from DPW before the plans can be revised; the applicant has not filed with the Conservation Commission and a revised special permit for earth movement needs to be resubmitted. Attorney Andy Caffrey representing an abutter, Warren Stone, expressed concern with the traffic, the earth movement calculations and the amount of area that needs to be cut. Chairman Salafia noted that the revised earth movement calculations need to be submitted. Attorney Caffrey noted that he is concerned with the revised traffic observations because the study was performed on a Saturday from 2 to 4 p.m. and he felt it did not accurately reflect normal traffic patterns. He also expressed concern with sight distances coming from Porter Rd. Ms. Byerley will verify the sight distances with Officer Edgerly. On a motion by Mr. Chiozzi, seconded by Ms. Goldberg, the Board voted to continue the public hearings on an application by Mike Ristuccia for a Definitive Subdivision Plan and Special Permit for Earth Movement located at 180 Abbot Street until May 12th at 8:15 pm. Vote Unanimous (5-0)

Warrant Article P-63 & 64:

The Board took up the discussion on two private warrant articles:

- (1) P-63 a private warrant article to request the Town vote to authorize the Selectmen to sell or convey or lease land owned by the town off Essex Street and identified as Assessors Map 55 lot 2.
- (2) P-64 a private warrant article to request the Town vote to authorize the Selectmen to grant utility, and/or access and/or parking easements on land owned by the town off Essex Street and identified as Assessors Map 55 lot 2.
- Mr. Materazzo reviewed his memo to the Board dated April 8, 2009 including a zoning analysis of the parcel. He noted that the property is the gateway to Dundee Park and questioned if the Town still needs the parcel for municipal purposes. Attorney Mark Johnson, the petitioner of the articles, noted the property is assessed at \$120,000 which is due to the access easement and setback requirements. He also noted that the value will be set as a result of the bidding process. The Board discussed the pros and cons of the proposed articles. Ms Goldberg noted that she wants to have a clear understanding of the vision and what the design guidelines are for the area. Attorney Johnson noted that if the property is sold to his client, instead of the currently approved 2,700 sq. ft. building, a 4,700 sq. ft. 3-story mixed used building could be built. Mr. Materazzo noted that this is an opportunity for economic growth and jobs for the area. Some of the Board members expressed concern that it is too early to determine of the Town needs the property for municipal purposes. Some Board members wanted more control over what might be built if the

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Warrant Article P-63 & 64 (cont.):

Town sold the property. Mr. McDonnell noted that the parcel is not part of the master plan of the town yard task force. Attorney Johnson noted that if the Warrant Article were passed at Town meeting, then conditions governing the sale could be attached to the RFP. Mary Ann Bausemer, a member of the Town Yard Task Force, gave an overview of the historical significance of the area and noted that the parcel did not have any development potential for the Town Yard. Town Counsel, Thomas Urbelis, reviewed his letter to the Board of Selectmen dated January 20, 2009, and noted that prior to Town Meeting, the Board of Selectmen would have to determine whether or not the property might have value to the Town. Attorney Urbelis noted that the Selectmen would welcome the Board's views on the articles, as well as the Board's views on whether or not the parcel might have any current or future value to the Town. The Board wanted additional information with regard to the number of cars that could be parked on the site.

Fire Protection Regulation:

The Board took up the discussion on a proposed change to the Fire Flow Subdivision Regulations. Ms. Byerley reviewed her memo to the Board dated April 6, 2009 including the recommendations from Chief Mansfield and Fire Prevention Officer Lt. Pomerleau. Attorney Urbelis reviewed the recommendation from FIREPRO, a fire engineering consulting firm under contract with the Town. Ms. Byerley noted that these revisions will be further discussed at an upcoming public hearing with the Board.

Warrant Article P-34:

The Board took up the discussion that was continued from the March 10th meeting on warrant article P-34: Street Acceptance for Black Horse Lane. Ms. Byerley reviewed her memo to the Board dated April 6, 2009 and Town Counsel's memo to the Board dated April 13th. On a motion by Mr. Chiozzi seconded by Ms. Goldberg the Board voted to forward a recommendation to the Board of Selectmen that Black Horse Lane be laid out at the April 27, 2009 Selectmen's meeting. **Vote** Unanimous (5-0)

Stormwater Enforcement Designee:

Ms. Byerley reviewed her memo to the board dated April 9, 2009 and staff's recommendations for a designee. On a motion by Ms. Goldberg, seconded by Mr. Chiozzi, the Board voted that the Building Inspectors be designated as the enforcement agents of the Stormwater Management & Erosion Control Bylaw and its regulations. **Vote** Unanimous (5-0)

Oriole Drive:

On a motion by Mr. Choizzi, seconded by Ms. Goldberg, the Board voted to establish the bond for the stabilization and erosion controls for 34-36 Oriole Drive in the amount of \$38,600.00. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 9:49 p.m.